Speakers Ruling on the notice of a motion under Rule 146 *re*:the reported Statement of the Chief Minister on the Cauvery Waters.

MR. SPEAKER.— I have promised to give one or two rulings. The first one is in respect of the motion given notice of by the hon. Member Sri Channabasappa regarding Cauvery question. For the purpose of proper appreciation of the whole thing, I would like to read his motion :

> "This House is of the opinion that the Chief Minister has abdicated the rights and interests of Mysore State in Cauvery waters by holding out an assurance to the Government of India and the Government of Tamil Nadu that he would faithfully implement the 1892 and 1924 agreements in contravention of the stand taken earlier by the State Government."

The basis of this motion is that the Chief Minister is alleged to have given an assurance to the Government of India and to the Government of Tamilnadu and in support of his case, the hon. Member seems to rely upon the Press Report of the speech made by the Tamilnadu Chief Minister, Sri Karunanidhi, in the Tamil Nadu Assembly on 13th September 1969. I asked a question to the Chief Minister whether he has given such an assurance. He said that such a question was put to him by the hon. Member Sri Channabasappa and he has written to him wherein the whole matter was made clear. He has given me the copies of the letter of Mr. Channabasappa and the reply given by the Hon. Chief Minister. I will read out both the letters. Now the letter written by Mr. Channabasappa runs thus :—

> " Dear Sri Veerendra Patil,
>
> Thank you for your letter No. CMI 2567/69 dated 1st December 1969 regarding the action taken on the interim report of the Resources Committee.
>
> The urge for expeditious action on the interim report arises out of the time factor contemplated in the 1924 agreement for sharing of the surplus waters of the Cauvery. I shall be obliged if you will kindly let me know if you stand committed in any manner writing or oral; or given them (Government of India and Government of Madras) to understand that you would faithfully implement the 1924 during the Inter-State Meeting held at New Delhi in August 1968.
>
> Thanking you.
>
> Yours sincerely,
>
> Sd. H. M. Channabasappa."

The reply by the Chief Minister is as follows ;—

> "Dear Channabasappa,
>
> Kindly refer to your letter dated 5th December 1969.

(MR. SPEAKER)

In the meeting held with the Union Minister for Irrigation and Power and the Minister for Irrigation of Tamil Nadu (the present Chief Minister of Tamil Nadu) in August 1968 at New Delhi, the question of clearance to the Hemavathi Project and its various aspects were discussed. It was made clear that Mysore had objections and reservations about the 1924 agreement. Therefore there was no question of making any commitment that the 1924 agreement could be faithfully implemented.

With regards,

Yours sincerely,

(Sd.) VEERENDRA PATIL"

The answer is clear. The Chief Minister has not given any assurance as alleged in the motion and therefore I am unable to give him consent to the motion.

Speaker's Ruling *re* : a notice of adjournment motion about the arrest and detention of Sri Vatal Nagaraj in Tamil Nadu

MR. SPEAKER.—Hon. Members must remember that they were very much agitated over the arrest and detention of the hon. Member Mr. Vatal Nagaraj by the police of Tamil Nadu at Talavadi. Notice was given by a number of hon. Members for adjourning the proceedings of the House to consider that matter. The facts involving the arrest and detention of the hon. Member were above controversy. The only question that had to be considered was the constitutional position, *i.e.*, the Government of Mysore had no responsibility for the arrest and detention of the hon. member for which the Tamil Nadu Police were responsible.

Hon. Members who participated in the discussion on the admissibility of the motion raised very important issues. They raised the issue of fundamental rights under Article 19 of the Constitution, and the issue of India being one country with a common citizenship, with the result that any Indian citizen can go from one end of India to the other without let or hindrance and therefore, it was not correct on the part of the Tamil Nadu police to have arrested Sri Vatal Nagaraj, Hon. Member of this House.

I have carefully considered the constitutional position and I would like to make reference to certain articles of the Constitution in this context. Hon. Members know that States have been created under article 2 of the Constitution, and the Constitution defines the powers and jurisdiction of the legislatures of the States and the Governments of the States under article 245...

Sri M. RAMAPPA.—May I request the Speaker to sit and give the ruling, because it will be difficult for the Members to come in when the Speaker is standing ?

Mr. SPEAKER.—If it is the desire of the hon. Members I do not mind.But whenever Rulingsare given and stand by way of respect to the House, when the Speaker is giving his ruling, parliamentary etiquette requires that no Member should leave his seat and they are expected to be in their seats.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ.—ಈ ರೂಲ್ಸನ್ನು ಗೌರ್ನಮೆಂಟ್ ಬಿಜಿನೆಸ್ ದಿನ ಕೊಟ್ಟಿದ್ದರೆ ನಮಗೆ ಬಹಳ ಪ್ರಯೋಜನವಾಗುತ್ತಿತ್ತು.

Sri D. DEVARAJ URS.—I would like to submit that the Speaker whether he is standing or sitting, when he is delivering a statement or ruling, it is the duty of every Member to be seated in his seat and if any Member wants to enter the House, he should restrain himself from entering till the Speaker sits down. It is not merely a question of facility. I do not think it will be proper for any Member to come in or go out when the Speaker is giving his ruling.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ.—ಸಾಯಂಕಾಲದವರೆಗೂ ಅಧ್ಯಕ್ಷರು ನಿಂತೇ ಇದ್ದರೆ, ಈ ಸಭೆಗೆ ಬರುವವರು ಮತ್ತು ಈ ಸಭೆಯಿಂದ ಹೋಗುವವರು ಏನು ಮಾಡಬೇಕು ? What I would suggest is that the hon. Speaker should be brief while giving rulings.

Mr. SPEAKER.—I will do that. I shall be brief. But whether the Speaker sits or stands, when a ruling is being given, nobody can leave his seat. That is the correct position.

Now, I shall read article 245 :

"245 : (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the legislature of a State may make laws for the whole or any part of the State.

(2) No law made by parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation".

Article 246 reads thus :

"246 : (1) Notwithstanding anything in clauses (2), (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in list I in the Seventh Schedule (in this Constitution referred to as 'Union List').

(2) Notwithstanding anything in clause (3), Parliament and subject to clause (1), the Legislature of any State * * * also, have the power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the 'concurrent List.'.)

(3) Subject to clauses (1) and (2), the Legislature of any State * * * has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the 'State List')

(MR. SPEAKER)

From this article 246 (3) it is very clear that the State Legislature has exclusive power to make legislation with regard to the State list. Along with this, article 162 may please be considered.

> "162 : Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws : "

The above articles 162, 245 and 246, make it clear that the jurisdiction of the State Legislature is confined to the territorial limits of the States concerned. So also the powers of the executive Government are restricted only to the territories of the State concerned and not beyond. Therefore, it is amply clear from this provision that the Jurisdiction of every State Government and every State Legislature is confined to the territorial limits of the States concerned. This being so, the State will be responsible for the acts of omission or commission, which happen or which take place within the limits of the State and not outside. In other words, the Government will be responsible for the incidents that happen within the limits of its territories and not outside. Here is an incident that an hon. Member of this House, Mr. Vatal Nagaraj was arrested and detained by the Tamil Nadu Government. Whether Talwadi area should be included in Mysore State or Madras State is altogether a different question and it has no relevance to the issue on hand. I am in full sympathy with the demand but that sympathy has no relation to the point at issue. We have to consider the present reality. The present reality is that Talwadi is part of Tamil Nadu. I cannot say what will happen in future. And so far as incidents that take place within the limits of Madras State are concerned the Government of Mysore cannot be held responsible. Therefore, I am sorry I cannot allow such a question to be discussed on the floor of this House.

Mr. Digambar Rao pointed out Rules 50, 51, 52, of the Rules of Procedure and Conduct of Business in the Assembly in this connection. But I wish to inform hon. Member that all the rules that we frame here are subject to the provisions of the constitution. Under the circumstances I am sorry, I cannot give my consent to the notice of adjournment.

Utilisation of the Non official Business Day for other motions

SRI V. N. PATIL (Humnabad).—I have given notice of an adjournment motion about the state of affairs in the M. E. I.

SRI H. N. NANJE GOWDA.—I want to suggest to Mr. Speaker that non-official business day should not be permitted to be utilised for adjournment motions, Sir.

MR. SPEAKER.—I wish to make my position very clear. In the first place. I am not anxious to take up these adjournment motions. The members themselves were pressing them to be taken up for consideration. If they are agreeable, I have no objection to postpone their consideration.

SRI M. NAGAPPA.—They may be taken up on Monday, Sir.

MR. SPEAKER.—I have no objection. I will take them up on Monday. I am very anxious that both official and non-official business appointed for the day, should be completed according to schedule. I shall take up all these matters on Monday and I request the Hon. Members to bear in mind that if some time is lost in any controversy, that time will have to be compensated by sitting a bit late. I shall take them on Monday.

SRI V. N. PATIL.—Sir, regarding the MEI, for the last 52 days, one or the other Member of the labour union is being manhandled by the police and put into lock-up.....

MR. SPEAKER.—I have no objection to take it today. But there is a request here that in the interest of non-official business, these matters may be taken up on Monday. I am agreeable to that, provided the concerned Members do not press for it. I shall take up the matter on Monday.

10-00 A. M.

Private Members' Bills.

(i) Mysore Co-operative Societies (Amendment) Bill, 1970.

Introduction.

SRI I. SOMASHEKARAPPA (Hosanagar).—I beg leave of this House to introduce the Mysore Co-operative Societies (Amendment) Bill, 1970.

MR. SPEAKER.—The question is:

"That leave be granted to Sri I. Somashekarappa to introduce the Mysore Co-operative Societies (Amendment) Bill, 1970."

The motion was adopted.

SRI I. SOMASHEKARAPPA.—Mr. Speaker Sir, there is a printing mistake. It should be "Registrar or Committee of Management."

MR. SPEAKER.—That correction will be made.

SRI I. SOMASHEKARAPPA.—Sir, I introduce the Mysore Co-operative Societies (Amendment) Bill, 1970.

MR. SPEAKER.—The Mysore Co-operative Societies (Amendment) Bill, 1970, is introduced.